

REMARKS

This application has been rejected numerous times based on the Miller reference '617. The present action indicates that Miller is now used as a secondary reference in conjunction with the newly cited reference to Kunimoto reference US 5,835,605 under the provisions of 35 USC 103.

As has been pointed out on numbers occasions and as now been accepted by the Examiner, the sound pressure sensor 23, 24 of Miller is connected as part of an input to a Synthesizer 32 and thus there is no mixing of the output from the sound pressure sensor with the "output" from the synthesizer as is specifically claimed in each of independent claims 1, 8, and 9. Now the present rejection add the Kunimoto reference as the base reference to be modified with the sound pressure sensor of Miller to meet the claim limitation of claims 1, 8 and 9.

One skilled in the art would take the sound pressure sensor of Miller and add it to the input of the synthesizer of Kunimoto which still does not meet the limitation concerning "adding said synthesizer output signal to said output of said sound pressure sensor." One skilled in the art would have no reason to do anything with the sensor of Miller but to use it in the same way in Kunimoto. The entirety of Kunimoto is a synthesizer and Miller teaches adding the sound pressure sensor to the input of the digital synthesizer. That is not the presently

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claimed invention and the use of applicants teaching in the specification to use a sound pressure output in the manner claimed is an impermissible hindsight reconstruction.

Therefore once again, allowance of this application is requested as each defendant claim contains all limitations of one of independent claims 1, 8 or 9.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.48943).

Respectfully submitted,

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